

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43463 of 2019

Arising Out of PS. Case No.-1 Year-2019 Thana- ISMAILPUR District- Bhagalpur

Balmiki Mandal, S/o Raj Kumar Mandal R/o village- Jaimangal Tola, P.S.-
Ismailpur, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjan Kumar Jha
For the Opposite Party/s : Mr.Sunil Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 16-07-2019 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

Petitioner apprehends his arrest in connection with
Ismailpur P.S. Case No.01 of 2019 for the offence punishable
under Sections 147, 148, 149, 341, 323, 307, 379, 427, 504 of
the Indian Penal Code.

The allegation against the petitioner is that petitioner
along with eight others accused persons came in the house of
the informant and assaulted the informant and others on the
issue of cutting of bamboo tree.

Learned counsel for the petitioner submits that there is
delay in lodging the FIR inasmuch the occurrence has taken
place on 25.12.2018 but the FIR has been lodged after delay of
15 days on 11.01.2019. Learned counsel for the petitioner



further submits that there is case and counter case and for the same occurrence petitioners have also lodged FIR bearing Ismailpur P.S. Case No.57 of 2018 dated 26.12.2018.

Learned counsel for the petitioner further submits that the FIR lodged by the side of the petitioner is prior in time to the FIR lodged by the informant. Learned counsel after referring Annexure-3 submits that injury caused to the wife of the informant is grievous but not on the vital part of the body and the same has been found near the arm and elbow of the wife of the informant. The parties are neighbour and there is admitted land dispute between them bearing Title Appeal No.41 of 2000 is pending between the parties.

After having heard learned counsel for the petitioner as well as learned counsel appearing on behalf of the State and taking into consideration the fact that there is case and counter case and the case lodged by the side of the petitioner is prior in time and there is admitted land dispute between the parties, as, such, I am inclined to grant anticipatory bail to the petitioner.

Accordingly, the petitioner is directed to surrender before the learned Court below within a period of four weeks and in the event of surrender by the petitioner, he shall be released on anticipatory bail by the Court below upon furnishing



bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Naugachia, District-Bhagalpur, subject to the condition as mentioned under Section 438 (2) of Cr.P.C.

(Anil Kumar Sinha, J)

sanjeev/-

U		T	
---	--	---	--

